

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY BETH HARSHBARGER	:	
Plaintiff	:	
VS.	:	3:CV-09-0487
	:	(JUDGE VANASKIE)
MICHAEL R. REGAN, UNITED STATES	:	
MARSHAL FOR THE MIDDLE	:	
DISTRICT OF PENNSYLVANIA, ERIC	:	
HOLDER, ATTORNEY GENERAL OF	:	
THE UNITED STATES, SUSAN	:	
TORRES, ATTORNEY-ADVISOR	:	
OFFICE OF THE LEGAL ADVISOR,	:	
UNITED STATES DEPARTMENT OF	:	
OF STATE, HILLARY RODHAM	:	
CLINTON, SECRETARY OF STATE	:	
OF THE UNITED STATES	:	
Defendants	:	

ORDER

April 22, 2009

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____Petitioner Mary Beth Harshbarger has moved for issuance of a certificate of appealability in connection with her announced intention to appeal the denial of her habeas corpus petition that was filed under [28 U.S.C. § 2241](#) to challenge her extradition to Canada. A certificate of appealability, however, is not required to appeal from the denial of a § 2241 habeas corpus petition. See [Burkey v. Marberry](#), 556 F.3d 142, 146 (3d Cir. 2009); [United States v. Ceparo](#), 224 F.3d 256, 264-65 (3d Cir. 2000). In particular, a

certificate of appealability is not required in habeas corpus cases brought under [28 U.S.C. § 2241](#) to challenge an extradition order. See [Lindstrom v. Graber](#), 203 F.3d 470, 473 (7th Cir. 2000); [Murphy v. United States](#), 199 F.3d 599, 601 (2d Cir. 1999).

ACCORDINGLY, IT IS HEREBY ORDERED THAT the Emergency Motion for Certificate of Appealability (Dkt. Entry 17) is DISMISSED.

s/ Thomas I. Vanaskie

Thomas I. Vanaskie

United States District Judge